

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

JORDAN DESTIN, individually and on behalf of other persons similarly situated who were employed by WORLD FINANCIAL GROUP, INC. and/or any other entities affiliated with or controlled by WORLD FINANCIAL GROUP, INC.,

Plaintiff,

v.

WORLD FINANCIAL GROUP, INC., and/or other entities affiliated with or controlled by World Financial Group, Inc.,

Defendant.

CIVIL ACTION NO.  
1:13-CV-1092-CAP

**MEMORANDUM IN SUPPORT OF DEFENDANT’S MOTION FOR  
EXPEDITED *IN CAMERA* INSPECTION**

Defendant World Financial Group, Inc. (“Defendant”) by and through its undersigned counsel and pursuant to Fed. R. Civ. P. 6(b) and Local Rule 7.1.A, respectfully request an *In Camera* Inspection of certain memoranda drafted by Defendant’s outside counsel.<sup>1</sup> In support of this Joint Motion, the Parties show as follows:

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<sup>1</sup> Defendant proposed to Plaintiff that the parties file this motion jointly today, but Plaintiff refused and instead elected to stand on his Motion to Compel and for *In Camera* Review (Dkt. No. 172) that he filed on July 21, 2014.

1. Counsel for the parties have agreed and Defendant has acknowledged that it has engaged in a temporally limited waiver of the attorney-client privilege as it relates to the classification of its Associates as independent contractors under the Fair Labor Standards Act (“FLSA”) and its good faith defense regarding that classification.<sup>2</sup>

2. Defendant has produced pre-January 16, 2013<sup>3</sup> legal memoranda from outside counsel at Hunton & Williams relevant to both the classification of its Associates as independent contractors pursuant to the FLSA as well as its “good faith” defense as to the classification of its Associates under the FLSA.

3. Among the pre-January 16, 2013, documents produced are two memoranda from Defendant’s outside counsel, Hunton & Williams, LLP, which were redacted to withhold certain information. *See* Ex. A, Defendant’s Amended Privilege Log (identifying October 14, 2008 and December 8, 2008 memoranda).

4. The redacted and withheld information remains protected by the attorney-client privilege and work product doctrines and it is not responsive or

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<sup>2</sup> The attorney-client privilege waiver is for the period before the filing of the original Complaint in this lawsuit on January, 16, 2013, and does not extend to any privileged communications or attorney work product that occurred or were created after the filing of the Complaint on that date.

<sup>3</sup> The parties have agreed that Defendant is not obligated to produce privileged communications created after January 16, 2013 (the date this litigation was initiated).

relevant to the issue of Defendant's classification of its Associates as independent contractors or Defendant's good faith defenses regarding that classification. Because Defendant has not waived the attorney-client privilege or work product protection beyond the scope of the FLSA classification of Associates as independent contractors and its good faith defense on that point, Defendant maintains that the redacted information (which does not concern those narrow issues) includes privileged legal communications which it is not compelled to produce.

5. Plaintiff seeks confirmation from this Court that those documents were appropriately redacted and, as such, Defendant has agreed to produce, for *in camera* inspection, the unredacted versions of these documents for this Court to consider.

6. Defendant requests a ruling on this issue on an expedited basis because the deposition of Defendant's Rule 30(b)(6) deponent on topics related to the memoranda is scheduled to resume on July 29, 2014.

7. Defendant will deliver (by 9:30 a.m. on July 25, 2014) to the Court's chambers the redacted and unredacted versions of the October 14, 2008 and December 8, 2008 memoranda at issue.

8. WHEREFORE, Defendant respectfully requests that this Court review the redacted memoranda submitted to the Court's chambers, and determine whether the redacted content pertains to the classification of Associates as independent contractors under the FLSA or the good faith defense on that issue.

Respectfully submitted this 24th day of July, 2014.

/s/ Bradley S. Strawn

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**CERTIFICATION**

I do hereby certify that this document has been prepared in Times Roman font, 14 point, in compliance with LR 5.1(C) of this Court.

*/s/ Bradley E. Strawn*

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Bradley E. Strawn

Georgia Bar No. 004419

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 24th day of July, 2014, the foregoing **Memorandum in Support of Defendant's Motion for Expedited *In Camera* Inspection** was filed electronically through the ECF system, is available for viewing and downloading from the ECF system and will be sent electronically to the registered participants identified on the Notice of Electronic Filings addressed as follows:

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Respectfully submitted this 24th day of July, 2014.

/s/ Bradley E. Strawn  
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